

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

RETAIL ACCESS OPTIMIZATION INITIATIVE,
2011

Docket No. N2011-1

**UNITED STATES POSTAL SERVICE NOTICE OF FILING
LIBRARY REFERENCES USPS-LR-N2011-1/24 AND USPS-LR-N2011-1/NP20
(September 21, 2011)**

The Postal Service files the following Category 4 Library References below in this proceeding in response to interrogatory DBP/USPS-72:

USPS-LR-N2011-1/24 Earned Hours and Revenue Data for CAG A-E and Level 11 Offices Outside of Delaware and Maine Requested in DBP/USPS-72

USPS-LR-N2011-1/NP20 Earned Hours and Revenue Data for CAG A-E and Level 11 Offices Outside of Delaware and Maine Requested in DBP/USPS-72 [Non-Public]

The Postal Service has located facility-specific earned workhour and revenue data responsive to this interrogatory by reference to retail facility finance numbers. The Postal Service regards facility-specific revenue and finance numbers to be commercially-sensitive and proprietary information that should not be released into the public domain. Accordingly, it is providing the requested data in unredacted USPS Library Reference N2011-1/NP20, as a non-public response to the interrogatory. Library Reference N2011-1/24 consists of a public version of that same document, but with the finance numbers and revenue data redacted. An application for non-public treatment of USPS Library Reference N2011-1/NP20 is attached to this Notice.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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**APPLICATION OF THE UNITED STATES POSTAL SERVICE
FOR NON-PUBLIC TREATMENT OF MATERIALS**

(October 14, 2011)

In accordance with 39 C.F.R. § 3007.21 and Order No. 225,¹ the United States Postal Service (Postal Service) applies for non-public treatment of certain materials filed under seal with the Commission. Library Reference USPS-LR-N2011-1/NP20 includes sensitive commercial information, consisting of postal retail facility finance numbers and revenue data for over 5,700 retail facilities throughout the United States.

(1) The rationale for claiming that the materials are non-public, including the specific statutory basis for the claim, and a statement justifying application of the provision(s);

The materials designated as non-public consist of information of a commercial nature that under good business practice would not be publicly disclosed. In the Postal Service's view, this information would be exempt from mandatory disclosure pursuant to 39 U.S.C. § 410(c)(2) and 5 U.S.C. § 552(b)(3). Because the portions of the materials that the Postal Service applies to file under seal fall within the scope of information not required to be publicly disclosed, the Postal Service asks the Commission to support its determination that these materials qualify as exempt from public disclosure and grant its application for their non-public treatment.

(2) Identification, including name, phone number, and email address for any third-party who is known to have a proprietary interest in the materials, or if such

¹ PRC Order No. 225, Final Rules Establishing Appropriate Confidentiality Procedures, PRC Docket No. RM2008-1 (June 19, 2009).

an identification is sensitive, contact information for a Postal Service employee who shall provide notice to that third party;

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(3) A description of the materials claimed to be non-public in a manner that, without revealing the materials at issue, would allow a person to thoroughly evaluate the basis for the claim that they are non-public;

The non-public material contains commercial information of the Postal Service -- retail facility-specific revenues for over 5,700 retail facilities and each facility's identifying finance number. The Postal Service maintains that the non-public portions of these materials should remain confidential.

(4) Particular identification of the nature and extent of commercial harm alleged and the likelihood of such harm;

If the information that the Postal Service seeks to protect from disclosure due to its confidential nature were disclosed publicly, the Postal Service considers it quite likely that it would suffer harm. A finance number is an assigned six-digit or 10-digit number that identifies a postal installation for processing its financial data. In a way, it is akin to a social security number, in that if one knows the finance number for a facility, one could determine a wealth of financial data associated with that facility. Such information is information of a commercial nature, which under good business practice would not be publicly disclosed. It is also information that, if released, could compromise security, which is why the Postal Service controls the internal release of

finance numbers. In the Postal Service's opinion, this information would be exempt from mandatory disclosure pursuant to 39 U.S.C. § 410(c)(2) and 5 U.S.C. §§ 552(b)(2,-3).²

Finance numbers are also related solely to the internal rules and practices of the Postal Service, and are internal matters of a relatively limited value outside the Postal Service. On its own, the finance number of a facility does not reveal anything of significance to the public, but it constitutes a key that permits coordination of various internal accounting systems. In the Postal Service's opinion, this information would be exempt from mandatory disclosure pursuant to 5 U.S.C. § 552(b)(2)(a).

Revealing revenue data would enable postal competitors to focus marketing efforts on particular Postal Service locations where there are many potential customers for the competitor. The Postal Service considers it highly probable that, if this information were made public, the Postal Service's competitors would take immediate advantage of it.

(5) At least one specific hypothetical, illustrative example of each alleged harm;

Harm: If someone were to come across such a document where facilities are identified purely by finance number, in and of itself that may not cause much harm. However, if that someone was a competitor who was also provided a key that identified the facility

² In certain circumstances, the Commission may determine the appropriate level of confidentiality to be afforded to such information after weighing the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets. 39 U.S.C. § 504(g)(3)(A). The Commission has indicated that "likely commercial injury" should be construed broadly to encompass other types of injury, such as harms to privacy, deliberative process, or law enforcement interests. PRC Order No. 194, Second Notice of Proposed Rulemaking to Establish a Procedure for According Appropriate Confidentiality, Docket No. RM2008-1, Mar. 20, 2009, at 11.

name and address associated with each finance number, that person could potentially have access to a wealth of financial data associated with respective facilities. Such information could, for example, be used to ascertain the best locations to establish competing businesses, perhaps plan theft of materials being transported by the Postal Service, or target the business of Postal Service customers.

Harm: Revealing facility-specific revenue data would enable competitors to target the location for sales and marketing purposes.

Hypothetical: Revenue at a particular location is revealed to the public. A nearby private mailbox and shipping services provider reviews the information, and determines that there are enough potential customers at the postal location that an advertising campaign would be justified. The private company directs advertising for its mailbox and shipping service to the postal customers, perhaps using a billboard near the postal location and offering to match postal prices for a three-month trial.

(6) The extent of protection from public disclosure deemed to be necessary;

The Postal Service maintains that facility finance numbers and revenue data for the over 5,700 retail facilities should be withheld from any person who has not agreed to the Commission's standard confidentiality requirements, including any person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information.

(7) The length of time deemed necessary for the non-public materials to be protected from public disclosure with justification thereof; and

The Commission's regulations provide that non-public materials shall lose non-

public status ten years after the date of filing with the Commission, unless the Commission or its authorized representative enters an order extending the duration of that status. 39 C.F.R. § 3007.30.

(8) Any other factors or reasons relevant to support the application.

The Postal Service considers this Application sufficient to fulfill the Postal Service's obligations to justify its determination that the facility finance numbers and revenue data should be treated as non-public, and redacted in the public version of this filing.

Conclusion

For the reasons discussed, the Postal Service requests that the Commission grant this application for non-public treatment of the identified materials.